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6 Attorneys for Defendant

LE CHÂTEAU, INC.

7  
8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 L.A. PRINTEX INDUSTRIES, INC.,  
a California Corporation,

12 Plaintiff,

13 vs.

14 LE CHÂTEAU, INC., a Canadian  
15 Corporation; and DOES 1-10,

16 Defendants.

CASE NO. CV10 4264-ODW (FMOX)

**SECOND SUPPLEMENTAL  
DECLARATION OF DAVID W.  
QUINTO IN SUPPORT OF LE  
CHÂTEAU'S MOTION FOR  
SUMMARY JUDGMENT**

Initial Hearing Date To: May 23, 2011

Continued Hearing Date: June 6, 2011

Time: 1:30 p.m.

Courtroom: Honorable  
Otis D. Wright, II

**SECOND SUPPLEMENTAL DECLARATION OF DAVID W. QUINTO**

1  
2 1. I am a member of the Bar of this Court and of the State of California. I  
3 am also a partner of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for  
4 defendant Le Château, Inc. herein. I make this declaration of my personal and first-  
5 hand knowledge and, if called and sworn as a witness, I could and would testify  
6 competently hereto.


7 2. Attached as Exhibit A is an application for Supplementary Registration  
8 identifying "Incorrect Information in Basic Registration" evidently filed with the  
9 United States Copyright Office by plaintiff on May 5, 2011. It reflects that, contrary  
10 to the representation made in the Certificate of Registration dated December 19,  
11 2005, the work at issue "may have been published separately," rather than as a  
12 collection of published works as reflected in that registration. Based on plaintiff's  
13 admission that the facts stated in the Certificate of Registration on which plaintiff  
14 bases its contention that the federal courts have subject matter jurisdiction "may  
15 have been" incorrect, plaintiff is no longer entitled to rely on a presumption that the  
16 facts stated in the Registration Certification are, in fact, correct.

17 3. The *Compendium II of Copyright Office Practices* provides in Chapter  
18 1500 ("Corrections and amplifications of Copyright Office Records; Supplementary  
19 Registrations") that "information contained in a supplementary registration  
20 *augments but does not supersede* the basic registration." See § 1504.08(b)  
21 (emphasis added). Accordingly, plaintiff's application for a supplemental  
22 registration does not supersede the claim that the pattern at issue was published as  
23 part of a collective work.

24 4. Section 1504.08(a) of the *Compendium II of Copyright Office Practices*  
25 provides that when a supplemental registration is made, the Copyright Office will  
26 issue a "certificate of supplementary registration" under a new registration member.  
27 Plaintiff has not identified any new certificate of supplementary registration and,  
28 accordingly, cannot point to any copyright registration conferring subject matter

10 I declare under penalty of perjury under the laws of the United States of  
11 America that the foregoing is true and correct.

12 Executed this 20th day of May, 2011, at Los Angeles, California.



David W. Quinto

## **EXHIBIT A**

Copyright Office fees are subject to change.  
For current fees, check the Copyright Office  
website at [www.copyright.gov](http://www.copyright.gov), write the Copy-  
right Office, or call (202) 707-3000.

**Form CA**  
For Supplementary Registration  
UNITED STATES COPYRIGHT OFFICE  
REGISTRATION NUMBER

TX	TXU	PA	PAU	VA	VAU	SR	SRU	RE
----	-----	----	-----	----	-----	----	-----	----

EFFECTIVE DATE OF SUPPLEMENTARY REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**A**

Title of Work ▼  
Ethnic (Group 12)

Registration Number of the Basic Registration ▼  
VA 1-344-916

Year of Basic Registration ▼  
2005

Name(s) of Author(s) ▼  
L.A. Printex Industries, Inc.

Name(s) of Copyright Claimant(s) ▼  
L.A. Printex Industries, Inc.

**B**

Location and Nature of Incorrect Information in Basic Registration ▼

Line Number \_\_\_\_\_ Line Heading or Description \_\_\_\_\_ Previous or Alternative Titles \_\_\_\_\_

Incorrect Information as It Appears in Basic Registration ▼

E50191, E50192, E50193, E50196, E50204, E50206, F60249, F60250, F60256, F60279, G70129 & F60250

Corrected Information ▼

E50193

Explanation of Correction ▼

These twelve designs may have been published separately; therefore all but E50193 are being removed.

**C**

Location and Nature of Information in Basic Registration to be Amplified ▼

Line Number \_\_\_\_\_ Line Heading or Description \_\_\_\_\_

Amplified Information and Explanation of Information ▼

EXHIBIT A

- 4 -

**MORE ON BACK ►** • Complete all applicable spaces (D-G) on the reverse side of this page.  
• See detailed instructions. • Sign the form at Space F.

DO NOT WRITE HERE  
Page 1 of \_\_\_\_\_ pages

FORM CA RECEIVED

FORM CA

FUNDS RECEIVED DATE

EXAMINED BY

CORRESPONDENCE L

REFERENCE TO THIS REGISTRATION ADDED TO  
BASIC REGISTRATION ☐ YES ☐ NOFOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Continuation of: ☐ Part B or ☐ Part C

D

Correspondence: Give name and address to which correspondence about this application should be sent.

Scott A. Burroughs, Esq., Doniger / Burroughs APC, 300 Corporate Pointe, Suite 355, Culver City, CA 90230.

E

Phone ( 310 ) 590-1820 Fax ( 310 ) 417-3538 Email [scott@donigerlawfirm.com](mailto:scott@donigerlawfirm.com)

Deposit Account: If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

Certification\* I, the undersigned, hereby certify that I am the: (Check only one)

☐ author☐ owner of exclusive right(s)☐ other copyright claimant☒ duly authorized agent of

L.A. Printex Industries, Inc.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name ▼ Scott A. Burroughs, Esq.

Date ▼ 5/5/2011

Handwritten signature (X)

F

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name ▼  
Scott A. Burroughs, Esq.

Number/Street/Apt ▼  
300 Corporate Pointe, Suite 355

City/State/ZIP ▼  
Culver City, CA 90230

## YOU MUST:

- Complete all necessary spaces
- Sign your application in Space F

SEND ALL ELEMENTS  
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights

## MAIL TO:

Library of Congress  
Copyright Office  
101 Independence Avenue SE  
Washington, DC 20559-6000

G

\*17 USC §508(e): Any person who knowingly makes a false representation of a matter with the application, shall be fined not more than \$2,500.

provided for by section 409, or in any written statement filed in connection

EXHIBIT A